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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)****Title of  
Invention****NITROXYL PROGENITOR COMPOUNDS AND METHODS OF USE**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐ The attached application, or☒ Application No. **PCT/US2005/03183** filed on **January 28, 2005 (Int'l)**☐ As amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: **John P. TOSCANO, III**Date: **11/12/08**Signature: Citizen of: **US**Inventor two: **Christopher M. PAVLOS**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: **US**Inventor three: **Preeya K. BOPPANA**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: **US**☐ Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.**ATTORNEY DOCKET NO.: 404812000800  
CLIENT REFERENCE NO.: 4390**

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Inventor one: John P. TOSCANO, III Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: US

Inventor two: Christopher M. PAVLOS Date: 11/12/08

Signature:  Citizen of: US

Inventor three: Preeya K. BOPPANA Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: US

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Citizen of: USInventor two: Christopher M. PAVLOS

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: USInventor three: Preeya K. BOPPANADate: 16 NOV 08Signature: Preeya K. BoppaCitizen of: US

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